

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID L. BELMONTE,

Plaintiff,

v.

KING COUNTY et al.,

Defendants.

CASE NO. 2:24-cv-01767-LK

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the report and recommendation (“R&R”) of United States Magistrate Judge S. Kate Vaughan. Dkt. No. 4. On October 23, 2024, Plaintiff David L. Belmonte (who is also known as Dameas Shiruk Duranzan and is proceeding pro se) initiated this action against Defendants, asserting violations of the First Amendment of the United States Constitution, the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.*, the Washington Constitution, and the Washington Law Against Discrimination. Dkt. No. 1 at 1–2. On October 30, 2024, the Clerk sent Mr. Belmonte a Notice of Filing Deficiency, which noted that Mr. Belmonte did not pay the filing fee or seek leave to proceed in forma pauperis (“IFP”), and also did not provide a certified copy of his prison trust account statement. Dkt. No. 2

1 at 1. The Clerk cautioned Mr. Belmonte that failure to address these deficiencies “may affect the
2 status of [his] case, including dismissal of the action by the Court.” *Id.* This notice was sent to Mr.
3 Belmonte’s address on file at the King County Correctional Facility in Seattle, WA. *Id.* It was not
4 returned as undeliverable.

5 On December 31, 2024, Judge Vaughan issued an R&R in this matter, recommending that
6 the Court dismiss this action without prejudice because Mr. Belmonte failed to address his filing
7 deficiencies or otherwise respond to the Notice of Filing Deficiency. Dkt. No. 4 at 1–2. The Clerk
8 sent a copy of the R&R to Mr. Belmonte at the King County Correctional Facility; however, this
9 mail was returned as undeliverable and “unable to forward” on January 13, 2025. Dkt. No. 5 at 1.

10 Based on an independent review of the record, the Court concurs with Judge Vaughn that
11 dismissal without prejudice is warranted because Mr. Belmonte has failed to address his filing
12 deficiencies or otherwise respond to the Notice of Filing Deficiency. 28 U.S.C. § 636(b)(1)(C);
13 Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 150–52 (1985); *see also Keno v. Arizona*,
14 No. CV-16-00721-TUC-JGZ, 2018 WL 2387944, at *1 (D. Ariz. May 25, 2018) (adopting report
15 and recommendation after an independent review of the record when petitioner failed to provide
16 an updated address).¹

17 Accordingly, the Court ORDERS the following:

- 18 (1) The Court ADOPTS the R&R, Dkt. No. 4.
- 19 (2) This case is dismissed without prejudice for failure to pay the filing fee or seek
20 leave to proceed IFP.
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- 22

23 ¹ The Court also notes that Mr. Belmonte sent a letter to the Clerk in a separate case of his before this Court, in which
24 he indicates that this case and seven others were initiated in error, and requests that they be closed. *See Belmonte v.*
King Cnty., No. 2:24-cv-01765-LK, Dkt. No. 8 at 1 (W.D. Wash. Jan. 21, 2025); *see also Belmonte v. King Cnty.*, No.
2:24-cv-00518-JNW, Dkt. No. 19 at 1 (W.D. Wash. Nov. 14, 2024).

1 (3) The Clerk is directed to send copies of this Order to Mr. Belmonte at his last known
2 address and to the Honorable S. Kate Vaughn.

3 Dated this 24th day of January, 2025.

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5 Lauren King
6 United States District Judge
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